IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 2222/2001

P. R. No. 22/2/01
Presented by Shri D C Verma
16/10/01

PETITIONER

Rajesh Mishra,
S/o. K.K. Mishra,
Aged 30 years,
Occupation Service,
Daily Wage Sanitary Inspector,
Municipal Corporation,
Rajnandgaon (C.G.)

Vs.

RESPONDENT

Municipal Corporation Rajnandgaon
Through its Commissioner

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR IDRECTIONS.

(93)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 2222 of 2001

Petitioner Rajesh Mishra

Versus

Respondent Municipal Corporation, Rajnandgaon

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Manindra Shrivastava, Senior Advocate with Smt. Smita Ghai, Advocate for the petitioner.

Shri A. K. Shukla, Advocate for the respondent.

ORDER

(Passed on this 21st day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed as Sanitary Inspector in the Municipal Corporation, Rajnandgaon on 17.7.1995. The petitioner continued to work till December, 1997. Thereafter the petitioner was granted fixed pay of Sanitary Inspector w.e.f. 1.1.1998.
2. The petitioner along with 105 daily wages employees/workers were removed from their services by the Municipal Corporation, Rajnandgaon. The petitioner along with other persons filed a writ petition through their association namely Rashtriya Lok Nirman Majdoor Sangh, Nagarpalika Nigam, Rajnandgaon, being W.P.No. 479/2000 in the High Court of Judicature at Jabalpur. The High Court of Madhya Pradesh at Jabalpur by judgment and order dated 9.3.2000, while dismissing the petition, passed the following orders:-

   (1) consider the case of each petitioner entitled to such consideration in accordance with the order dated 14.2.2000 and dated 26.2.2000 as explained vide D.O. dated 8.3.2000 on the criteria contained therein for such scrutiny;

   (2) take into consideration the representations received in this behalf from these employees or their representatives and the other material placed by them during such scrutiny before taking the decision;

(96)

(3) grant relaxation in age, if necessary, to the extent of the service rendered by the employee while considering the age-bar;

(4) give due weightage to the inter-se seniority as per length of service, other things being equal;

(5) make proposals for creation of posts as per the directives contained in the above orders of the Government subject to the limitations prescribed therein; and

(6) communicate the decision to each such employee.

3. Learned counsel for the petitioner submits that the Municipal Corporation by communication dated 7.5.2000 had stated that there were five posts of Sanitary Inspector sanctioned and against the said posts, only two persons were working. It was further proposed that three more posts of Sanitary Inspectors be created. Accordingly the State Government was moved.

4. Learned counsel for the petitioner at this stage seeks leave of this Court to file a representation before the concerned authorities for reconsidering his case for reappointment on the post of Sanitary Inspector, to which learned counsel for the respondent has no objection.

5. For the reasons stated above, the petition is disposed of with the above liberty. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur